

**REPORT - PLANNING COMMISSION MEETING**  
**March 27, 2003**  
**April 10, 2003**

**Project Name and Number:** Tentative Map 7618 Extension (PLN2003-00145)

**Applicant:** Asyst Technologies, Inc., Geoffery Ribar

**Proposal:** To consider an extension of Tentative Map 7618 for a seven-lot industrial subdivision.

**Recommended Action:** Deny based on findings.

**Location:** 45330 Warm Springs Boulevard in the Warm Springs Planning Area.

**Assessor Parcel Number(s):** 519-1310-34-11

**Area:** 36 acres

**Owner:** Asyst Technologies, Inc.

**Environmental Review:** The City previously approved a Mitigated Negative Declaration for the development of this project.

**Existing General Plan:** Restricted Industrial Commercial-Industrial Overlay. The site is also within the Warm Springs BART Area Specific Plan.

**Existing Zoning:** I-R Restricted Industrial

**Existing Land Use:** Vacant

**Public Hearing Notice:** Public hearing notification is applicable. A total of 67 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Reliance Way, Nokama court, Mandan Way, Osgood Road, Prune Avenue, and Research Avenue. The notices to owners and occupants were mailed on March 17, 2003. A Public Hearing Notice was posted on the site and in City offices on March 17, 2003.

**Executive Summary:** The project applicant proposes an extension of Tentative Map 7618 for a seven-lot industrial subdivision. The original 24 month approval ends April 7, 2003.

**Background and Previous Actions:** The site is a vacant parcel located west of I-680 and southeasterly of the intersection of Warm Springs Boulevard and South Grimmer Boulevard. The site is directly across Warm springs Boulevard from the future Warm Springs BART station. A Planned District was approved for the site on October 24, 2000 for an industrial development of seven buildings with a total of 603,800 square feet. The development was designed to provide high quality facilities for research and development and related "high tech" firms. Approximately 75% of the site was to be the corporate headquarters for Asyst Technologies. In February 2001, a Tentative Parcel Map was approved for a seven lot subdivision. After receiving the entitlements, Asyst Technologies purchased the property and began the building permit review process for construction of the project. However, the business environment changed and companies throughout Silicon Valley experienced a decline in business activity. Asyst determined it no longer needed to expand its facilities nor construct the new headquarters campus.

The area around the proposed BART Station, including the proposed Asyst parcel, has a General Plan and Zoning designation of Restricted Industrial (IR). In addition, the site is also designated a "Study Area." According to the General Plan, the Study Area designation in this location is intended to reflect the need for the City to undertake a Specific Plan to promote appropriate development adjacent to the BART Station. Because of the Study Area designation, staff requested a determination by City Council as to whether the proposed Asyst project (previously put forward by Trumark

Development) could go forward prior to preparation of the Specific Plan. Partially because no Specific Planning process had yet begun and the BART extension was not yet funded, the Council found that the Asyst project would not conflict with the intent of the Study Area designation. The Council also directed the proposed development be processed as a Planned District to provide more control over the site planning and architecture in this critical location. Consideration of a higher than normally permitted FAR was explicitly included as part of the Planned District to encourage more intense use of the site.

**Project Description:** The Subdivision Map Act, Sec. 66463.5 states that when a tentative map is required, an approved or conditionally approved tentative map shall expire 24 months after its approval. The project applicant may apply prior to the expiration of the map for an extension of time. The City of Fremont has a policy of approving extensions of maps in one year increments not exceeding a total of five years. The applicant has proposed an extension of one year for the map.

**Project Analysis:** Since the original application for an industrial development on this site circumstances have greatly changed. Partially as a result of a County-wide ballot measure, funding for the BART extension to Warm Springs is now largely secured and extension planning is proceeding. The time frame for completing the Warm Springs BART station and opening for service is now approximately 5 years (2008). Furthermore, partially as a result of Santa Clara County ballot measure and State funding support, planning for BART to extend to San Jose is now underway and a significant portion of the right-of-way has been purchased.

On April 23, 2002, City Council directed staff to proceed with the preparation of a Specific Plan for the area surrounding the proposed Warm Springs BART Station. Staff, working in cooperation with BART, has begun the Specific Plan process. The intent of the Specific Plan is to develop a regulatory framework that ensures appropriate transit oriented development occurs on surrounding lands and ultimately on the BART station site itself. Development options range from high-density high-tech or offices, to a new transit-oriented residential or mixed use community. BART stations tend to be most successful, from a land use/transportation point of view, when they serve higher intensity land uses in the near vicinity of the BART station. Higher intensity uses optimize pedestrian usage of the BART station. Over time, most BART stations have encouraged higher intensity development, when such development was permitted by the local jurisdiction. BART has adopted policies that strongly encourage appropriate transit-oriented development around its stations and has indicated it intends to use local jurisdiction support for appropriate transit-oriented land uses as an important criteria in making decisions regarding funding of extensions.

As a result of these changed circumstances, staff does not support extending the proposed tentative map. The Asyst/Tentative Map site is now one 36 acre parcel. The owner has indicated that it does not intend to develop the approved plan. Due to the high vacancy rates of R & D space, there is no other foreseeable demand for this type of development. Subdivision of the site and partial development could hinder the achievement of a transit oriented land use plan for this crucial location across from the future BART Station. Moreover, the tentative map is based on a single major point of access and is organized around certain access points to the site. While staff had worked with the subject site developer to provide access consistent with BART's previous tentative plan for access, BART has refined its plans for the station. The current access plan for BART includes two major points of access and the current BART plan does not coincide with the access planned for the Asyst parcel. Staff believes that the current tentative plan for access to the proposed BART Station is appropriate and necessary and believes it takes precedence over a plan for development across the street for which a final map has not yet been approved.

The following General Plan policies are relevant to land use development in this area.

Land Use Policy 7.8 refers specifically to the Warm Springs BART Specific Plan Area, noting that:

“for these areas, all proposed uses shall be reviewed for their potential to further or hinder the achievement of the goals of the study process. Uses which have no potential for significant conflict with any potential recommended land use recommendation of the study will be allowed under existing land use regulations until such time as the proposed study or specific plan is completed and new land use designations are adopted.”

Transportation Policy T 2.2.1: Encourage the development of rail systems serving Fremont residents, workers, and businesses.

Implementation 1: Actively support BART extension to the southern part of Fremont, with stations in Irvington, Warm Springs, and South Fremont."

Given the large regional investment in each BART Station, regional agencies have also recognized the importance of appropriate land use planning around BART stations. For example, the Congestion Management Agency Steering Committee for the I-880 Corridor Study has adopted the following "Guiding Principle":

"Transportation investments must be made in conjunction with appropriate land use planning. While land use planning remains a local decision, these plans must ultimately effect the transportation investments in the area. For example, rail investments must be supported by relatively high employment or residential density to encourage ridership and maintain efficient and cost effective operations.

A possible alternative to denial of the extension of the map could be an additional condition of approval that would require revision of the access drives in conformance with approved BART site design. Staff is working with the property owner to see if one or more new conditions on the map would allow for a continuation of the map consistent with the concerns identified above regarding the BART station. Should Planning Commission approve the extension all parties have agreed to the following conditions of approval in Exhibit "C".

**Environmental Analysis:** The City previously approved a Mitigated Negative Declaration for the development of this project.

**Enclosures:** Applicant letter

**Exhibits:** Exhibit "A" (Tentative Tract Map 7618)  
Exhibit "B" (Findings for denial)  
Exhibit "C" (Conditions of Approval)

**Recommended Actions:**

**"A"**

1. Hold public hearing.
2. Deny extension of Tentative Tract Map 7618 based on Exhibit "B" (Findings).

Or

**"B"**

1. Approve extension of Tentative Tract Map 7618 subject to Exhibit "C" (Conditions).

**EXHIBIT "B"**  
**TENTATIVE MAP 7618 EXTENSION**  
**(PLN2003-00145)**

**FINDINGS**

Based upon the information presented at the public hearing and the staff report, the following findings for denial of the extension of Tentative Map 7618 are made by the Planning Commission on April 10, 2003, incorporated hereby:

1. The proposed subdivision of the site and partial development could hinder the achievement of a transit oriented land use plan for this crucial location across from the future BART Station.
2. The proposed tentative map is based on a single major point of access and is organized around certain access points to the site. The access to the proposed parcels may hinder appropriate, necessary, and adequate access to the regional BART transit station directly across Warm Springs Boulevard.
3. Access to the proposed BART Station, a regional mass transit station, takes precedence over a plan for development across the street for which a final map has not yet been approved.
4. That the area surrounding said development cannot be planned and zoned in coordination and substantial compatibility with the proposed development.
5. The proposed map does not conform to the General Plan of the City of Fremont and the following policies in particular:

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“for these areas, all proposed uses shall be reviewed for their potential to further or hinder the achievement of the goals of the study process. Uses which have no potential for significant conflict with any potential recommended land use recommendation of the study will be allowed under existing land use regulations until such time as the proposed study or specific plan is completed and new land use designations are adopted.”

Transportation Policy T 2.2.1: Encourage the development of rail systems serving Fremont residents, workers, and businesses.

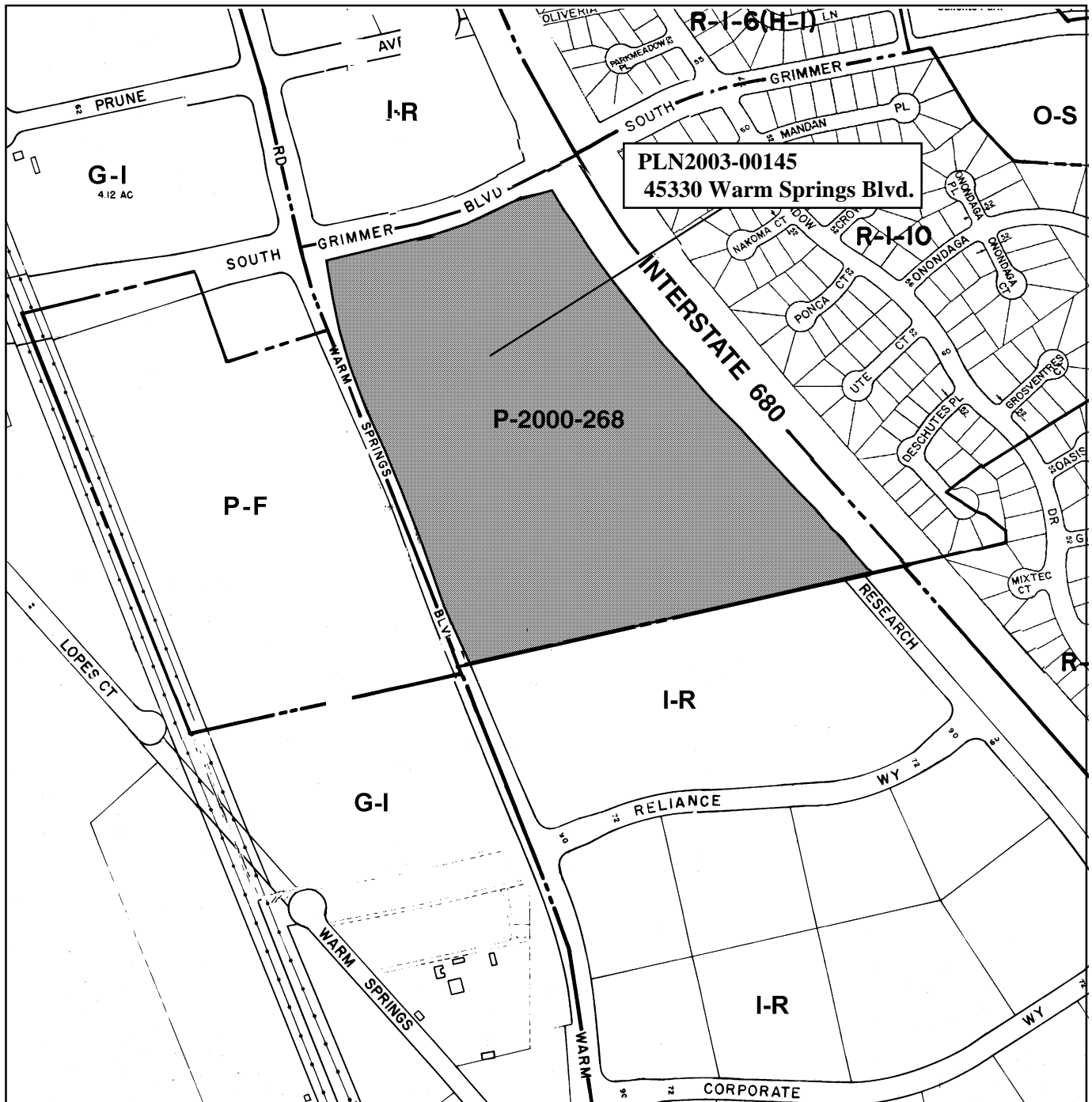
Implementation 1: Actively support BART extension to the southern part of Fremont, with stations in Irvington, Warm Springs, and South Fremont.

**EXHIBIT "C"**  
**TENTATIVE MAP 7618 EXTENSION**  
**(PLN2003-00145)**

**CONDITIONS**

1. Tentative Tract Map 7618 approval is extended to February 7, 2004.
2. Prior to the City's approval of a final parcel map, developer shall submit a traffic plan and traffic analysis for the parcel map which is consistent with the BART station design at the time such analysis and plan are prepared, and which meets the City Engineer's determination.
3. Future time extensions for Tentative Parcel Map 7618 will not be approved beyond the expiration date of the Planned District, October 24, 2004.

# INFORMATIONAL

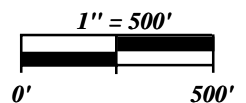


Existing Zoning

**Project Number:** PLN2003-00145 (TTM 7618 EXT.)  
**Project Name:** Tentative Map 7618  
**Project Description:** To consider an extension of Tentative Tract Map 7618 for a seven-lot industrial subdivision located at southeast quadrant of Warm Springs Blvd. and Grimmer Blvd. in the Industrial Planning Area.



**Note:** Prior arrangements for access are not required for this site.



# INFORMATIONAL



Existing General Plan

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